

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MEDGRAPH, INC.,

Plaintiff,

ORDER

09-CV-6610L

v.

MEDTRONIC, INC.,


Defendant.

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This Court entered a Decision (Dkt. #159) on June 29, 2015 granting defendant's motion for summary judgment and dismissing the complaint. That same day, counsel for plaintiff Medgraph, Inc, requested by letter that the Court delay entry of final judgment until the Federal Circuit Court of Appeals ruled on whether to grant *en banc* review of the most recent panel decision in *Akamai Technologies, Inc. v. Limelight Network, Inc.*, 786 F.3d 899 (Fed. Cir. May 13, 2015).

I see no reason to deny entry of judgment and, therefore, deny plaintiff's request that the Court do so. This Court cannot control subsequent litigation before the Federal Circuit on patent issues. This Court's Decision stands unless later modified or reversed by the Federal Circuit.

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
July 1, 2015.